

REMARKS

Claims 1-2, 5-11 and 14-15 are now in this application. Claims 3, 4, 12, 13 and 16-19 have been canceled.

Claim Rejections - 35 USC § 112

Claims 3, 12, 16-19 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. These claims are canceled and thus this rejection is now moot.

Claim Rejections - 35 USC § 103

Claims 1, 2, 10 and 11 were rejected under 35 USC 103(a) as being unpatentable over Miya et al, US 6,400,700 in view of Jalloul et al, US 6,192,040.

The relevance of Miya and Jalloul to the present invention have already been discussed in Applicant's previous amendment, and the arguments presented therein are maintained.

One distinction between claim 1 and Miya, is that claim 1 requires: providing a second set of pilot symbols through at least one common control channel, said common control channel also carrying data symbols in addition to said second set of pilot symbols. In the Office Action, it is suggested that Miya discloses this feature, it being provided by other-cell signal information carried in the pilot channel 101, Figure 3, column 6, lines 3-8 and lines

26-37. Applicants respectfully disagree with this interpretation of Miya.

Miya does not disclose the inclusion of data symbols in addition to pilot symbols. The "other-cell" signal refers to in the passages quoted is a signal received from a cell other than the one via which the mobile station is communicating. For example, see Column 6, lines 3-9, where "any other cell" may use the same spread code and transmit a pilot channel having a different phase. The provision of such "other-cell" information would be of use in a network in determining if a mobile should change to communicate with an adjacent cell to obtain a stronger signal. Thus, the "other cell" has a pilot channel associated with it, in the same manner that the pilot channel of the cell under particular consideration has a pilot channel. Neither of such pilot channels is disclosed to carry data other than pilot information, for the reasons set forth in Applicants' previous response.

Accordingly, Applicants believe that claim 1 patentably distinguishes the present invention over the teachings of these references, taken alone or in combination.

Similar arguments apply in respect of the other independent claims 7 and 10, and thus Applicants submit that these are also allowable.

The remaining claims are dependent directly or indirectly on an allowable independent claim, and thus it is submitted that for this reason at least they are also allowable.

In view of the foregoing, allowance of the amended claims and passage to issue of the subject application is respectfully requested. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact applicants' attorney, **Jimmy Goo**, at **908-582-7886**.

Respectfully submitted,

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